



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1130/PB  
JTK&MDK:eev:jm

\$cjs

DOA:.....Bong, BB0350 - Sale or lease of state-owned real property

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION**

do NOT gen

- 1 AN ACT ...; relating to: sale or lease of state-owned real property, contractual  
2 operation of state facilities, and management of state-owned heating, cooling,  
3 and power plants.

*Analysis by the Legislative Reference Bureau*

**STATE GOVERNMENT**

**OTHER STATE GOVERNMENT**

Currently, with certain exceptions, DOA may sell or lease state-owned real property if DOA determines that the sale is in the best interest of the state and the Building Commission approves the sale. Any sale may be either on the basis of public bids, with DOA reserving the right to reject any bid in the interest of the state, or negotiated prices and need not reflect fair market value. Also currently, various state agencies have authority to sell real property under their jurisdiction subject to various conditions and limitations. The proceeds of any sales are deposited, credited, or used in various ways as provided by law. DOA's authority generally does not apply to property that another agency has authority to sell. Also, DOA's authority does not operate to permit the closure or sale of any facility or institution the operation of which is required by law. DOA's authority also does not extend to property under the jurisdiction of the Board of Regents of the University of Wisconsin System, property under the jurisdiction of ~~DNR, except central or district office facilities, property~~ and ~~under the jurisdiction of the Board of Commissioners of Public Lands, and property~~ and ~~developmentally disabled~~

DHS at the  
Northern Center for the  
Developmentally Disabled

~~acquired using state forestation tax revenue. In addition, DOA authority does not extend to leased property until expiration, modification, renewal, or extension of the lease without consent of the lessee.~~ Except as otherwise provided by law, any sale by DOA may be with or without the approval of the state agency that has jurisdiction over the property. The net proceeds of any sale by DOA are used to retire any outstanding public debt that was incurred to acquire, construct, or improve the property and if the property was acquired, constructed, or improved with federal financial assistance, the proceeds must be used to repay the federal government to the extent required by federal law. If the property was acquired by gift or grant or with gift or grant funds, DOA must adhere to any restriction governing use of the proceeds. DOA must use any remaining net proceeds to retire other outstanding public debt.

Currently, with certain exceptions, the Building Commission may also sell state-owned real property where this authority is not given to another state agency by law, and may transfer land under its jurisdiction among agencies. Sales may be accomplished in the same manner as sales by DOA, except that sales of surplus land having a value of at least \$30,000 are subject to the approval of JCF. However, the Building Commission does not have this authority once DOA notifies the commission that an offer of sale or sale is pending. If a sale is not completed and no further action is pending with respect to a parcel of property, the authority of the Building Commission is restored. ~~With limited exceptions, any sales or transfers of surplus land by the Building Commission are subject to approval of JCF.~~ The net proceeds of any sales by the Building Commission must be used to retire any public debt that was used to acquire or construct improvements on the property being sold. The remaining net proceeds must be deposited in the budget stabilization fund. Current law also directs the Building Commission to compile biennially and transmit to JCF an inventory of state-owned surplus land.

This bill permits DOA to sell or lease any state-owned real property unless prohibited by the state or federal constitution or federal law, subject to the approval of the Building Commission. The bill does not apply to sales conducted to enforce an obligation to this state. The bill eliminates ~~all other statutory authority of other state agencies, except the Building Commission, to sell state-owned real property.~~ The bill does not repeal any statutes that require the operation of any facilities or institutions. Under the bill, if DOA sells all the real property that is currently used to operate a facility or institution, the facility or institution would need to continue in operation. Under the bill, DOA must use the remaining net proceeds of any sale, subject to current requirements, to retire any revenue obligation debt in the fund that was used to acquire, construct, or improve property that was sold, and after any such debt is retired, to retire any public debt incurred for transportation purposes from general fund supported borrowing and after any such debt is retired, to retire any public debt incurred for transportation purposes from segregated fund or segregated revenue supported borrowing and after any such debt is retired, to retire other outstanding public debt. The bill provides that if any ~~state-owned~~ property that is proposed to be sold by DOA is co-owned by a nonstate entity, DOA must afford to

the current <sup>exemption</sup> authority of the Board of Regents of the University of Wisconsin System and DHS (with respect to the Nor (North) Center) to sell or lease.

are conducted INS 2B

with respect to the parcel

INS 2C

eliminates the current exception that exempts sales that would necessitate the closure of a facility or institution which is provided for by law. However, the bill

\$20,000

to sell the property

INS 2D

retains most of the existing exemptions but

INS 2A

and the Building Commission

or the Building Commission

the co-owner the right of first refusal to purchase the share of the property owned by the state on reasonable financial terms established by DOA. ~~DOA may contract for the operation of any function that is performed by the state on the property.~~

The bill also provides that if DOA leases a ~~parcel of~~ state-owned ~~real property~~, DOA may contract for the operation of any function that is performed by the state on the property. Currently, DOA or any state agency to which DOA delegates authority may enter into a contractual services agreement if the services can be performed more economically or efficiently by contract than by the state directly. The bill provides that this requirement does not apply to contracts with lessees entered into by DOA under the bill. The bill provides that if DOA sells, leases, or contracts with a lessee for the operation of any real property that was under the jurisdiction of the Board of Regents of the University of Wisconsin System prior to the sale, lease, or contract, the board must convey all systems, fixtures, or additional property interests specified by DOA to the purchaser or lessor of the property on the terms specified by DOA. In addition, the bill provides that if DOA sells or contracts with a lessee for the operation of any facility that is operated by a state agency before the effective date of the sale or contract, DOA may decrease the authorized full-time equivalent positions for the agency and may lapse or transfer appropriated moneys from any appropriation made to the agency, other than a sum sufficient appropriation or an appropriation of federal revenues, to account for discontinuance of the operation of the facility by the agency. ~~DOA may contract for the operation of any function that is performed by the state on the property.~~

In addition, the bill provides that if DOA sells or leases state-owned property to a public utility, ~~or contracts with a public utility for operation of a function on state-owned property that DOA leases to the public utility,~~ the bill exempts the purchase, lease, or contract from requirements that may apply under current law for the Public Service Commission (PSC) to approve the purchase, lease, or contract. The bill also provides that such a purchase, lease, or contract is considered to be in the public interest and to comply with criteria for PSC certification that may apply under current law.

Finally, the bill modifies the authority of the Building Commission to sell or lease state-owned buildings, structures, and land to parallel the authority of DOA under the bill so that the authority is not generally limited by sales authority given to state agencies, and ~~to provide to~~ distribution of sales proceeds in the same manner as proceeds of DOA's sales are distributed. The bill deletes the current limitation that certain sales of surplus land are subject to approval of JCF. ~~DOA directs DOA to compile biennially and transmit to the Building Commission an inventory of state-owned surplus land identified for potential sale.~~

Currently, DOA has charge of, operates, and maintains the state capitol power plant and any power plants serving the state office buildings. Under the bill, DOA has charge of, operates, and maintains any heating, cooling, and power plants not operated by another agency or by a purchaser, lessee, or contractor.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1 **SECTION 1.** 13.48 (14) (title) of the statutes is amended to read:

2 13.48 (14) (title) SALE OR LEASE OF LANDS PROPERTY.

3 **SECTION 2.** 13.48 (14) (a) of the statutes is amended to read:

4 13.48 (14) (a) In this subsection, "agency" has the meaning given for "state  
5 agency" in s. 20.001 (1) ~~in s. 16.52 (7)~~ <sup>strike comma to</sup> except that the term does not include the Board  
6 of Regents of the University of Wisconsin System. <sup>in s. 16.52 (7)</sup>

7 **SECTION 3.** 13.48 (14) (am) of the statutes is amended to read:

8 13.48 (14) (am) Except as provided in this paragraph and subject to par. (d),  
9 the building commission shall have the authority to sell or lease all or any part of a  
10 state-owned ~~building or structure or state-owned land, including farmland, where~~  
11 ~~such authority is not otherwise provided to an agency by law unless the sale is~~ <sup>real property</sup> <sup>or lease</sup>  
12 prohibited under the state or federal constitution or federal law or the sale is  
13 conducted as a part of a procedure to enforce an obligation to this state, and may  
14 transfer land <sup>real property</sup> under its jurisdiction among agencies. The building commission does  
15 not have the authority to sell or lease any state-owned <sup>real</sup> property under this  
16 paragraph after the department of administration notifies the commission in writing  
17 that an offer of sale or sale <sup>or lease agreement</sup> with respect to a property is pending under s. 16.848 (1). <sup>or lease</sup>

18 If the sale <sup>or lease</sup> is not completed and no further action is pending with respect to the  
19 property, the authority of the building commission under this paragraph is restored.

20 ~~This paragraph does not apply to real property that is exempted from~~  
21 **SECTION 4.** 13.48 (14) (b) of the statutes is amended to read:

21 13.48 (14) (b) Subject to par. (d), the ~~The~~ building commission shall sell or lease <sup>sale by the</sup>  
22 on the basis of either public bids, with the building commission reserving the right <sup>department of</sup>  
23 to reject any or all bids in the best interest of the state, or negotiated prices. <sup>administration</sup> <sup>16.848.</sup>  
24 Buildings, structures and land mentioned in this subsection shall be subject to  
25 general property taxes levied by those taxing bodies within whose area they lie if

1 used for commercial purposes, and shall be subject to special assessments for public  
2 improvements in the same manner and to the same extent as privately owned  
3 ~~buildings, structures and land~~ <sup>real property</sup>, subject to approval of the building commission when  
4 required under s. 66.0703 (6).

5 **SECTION 5.** 13.48 (14) (c) of the statutes is renumbered 13.48 (14) (c) (intro.) and  
6 amended to read:

7 13.48 (14) (c) (intro.) If there is any outstanding public debt used to finance the  
8 acquisition of a building, structure or land, or the construction of a building or  
9 structure that is sold or leased under par. (b), the building commission shall deposit  
10 a sufficient amount of the net proceeds from the sale or lease of the building,  
11 structure or land in the bond security and redemption fund under s. 18.09 to repay  
12 the principal and pay the interest on the debt, and any premium due upon refunding  
13 any of that debt. ~~Except as provided in s. 51.06 (6), if~~ If the property was acquired,  
14 constructed, or improved with federal financial assistance, the commission shall pay  
15 to the federal government any of the proceeds required by federal law. If the property  
16 was acquired by gift or grant or with gift or grant funds, the commission shall adhere  
17 to any restriction governing use of the proceeds. If there is no such debt outstanding,  
18 or, if the net proceeds exceed the amount required to repay that principal and pay  
19 that interest and premium, the building commission shall deposit first use the net  
20 proceeds or remaining net proceeds in the budget stabilization fund <sup>from the sale or lease</sup> to retire any  
21 revenue obligation debt in the fund that was used to acquire, construct, or improve the  
22 <sup>in the manner</sup> ~~property that was sold~~ <sup>provided in par. (cm)</sup> shall then use the proceeds or the remaining net proceeds to  
23 pay principal and interest costs on outstanding public debt that was used for  
24 transportation purposes from general fund supported borrowing, shall then use the  
25 net proceeds or remaining net proceeds to pay principal and interest costs on

1 outstanding public debt that was used for transportation purposes from segregated  
2 fund or segregated revenue supported borrowing, and shall then use the net proceeds  
3 or remaining net proceeds to pay principal and interest costs on other outstanding  
4 public debt. For the purpose of paying principal and interest costs on other  
5 outstanding public debt under this paragraph, the commission may cause  
6 outstanding bonds to be called for redemption on or following their optional  
7 redemption date, establish one or more escrow accounts to redeem bonds at their  
8 optional redemption date, or purchase bonds in the open market. To the extent  
9 practical, the commission shall consider all of the following in determining which  
10 public debt to redeem:

11 **SECTION 6.** 13.48 (14) (c) 1. to 5. of the statutes are created to read:

12 13.48 (14) (c) 1. According preference to the redemption of general obligation  
13 debt within the same statutory bond purpose that was used to acquire, build, or  
14 improve the property being sold.

15 2. Maintaining compliance with federal tax law applicable to the general  
16 obligation debt that was issued to acquire, build, or improve the property being sold.

17 3. The extent to which general obligation debt that was issued to acquire, build,  
18 or improve the property being sold is subject to current optional redemption, would  
19 require establishment of an escrow, or could be assigned for accounting purposes to  
20 another statutory bond purpose.

21 4. The fiscal benefit of redeeming outstanding debt with higher interest costs.

22 5. The costs of federal tax law compliance in the selection of general obligation  
23 debt to be redeemed.

24 **SECTION 7.** 13.48 (14) (d) 1. of the statutes is repealed.

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1 SECTION 8. 13.48 (14) (d) 2. of the statutes is renumbered 13.48 (14) (d) and  
2 amended to read:

3 13.48 (14) (d) Biennially, beginning on January 1, 1984, each agency having  
4 surplus land 2014, the department of administration shall submit to the building  
5 commission and the joint committee on finance an inventory containing the location,  
6 description and fair market value of each parcel of surplus land identified for  
7 potential sale.

8 SECTION 9. 13.48 (14) (d) 3. of the statutes is repealed.

9 SECTION 10. 13.48 (14) (d) 4. of the statutes is repealed.

10 SECTION 11. 13.488 (1) (a) of the statutes is repealed.

11 SECTION 12. 13.488 (1) (c) of the statutes is amended to read:

12 13.488 (1) (c) The power to lease or sublease from such nonprofit-sharing  
13 corporation, and to make available for public use, any lands or any such land and  
14 existing buildings conveyed or leased to such corporation under pars. (a) and par. (b),  
15 and any new buildings erected upon such land or upon any other land owned by such  
16 corporation, upon such terms, conditions and rentals, subject to available  
17 appropriations, as in the judgment of the building commission are in the public  
18 interest. With respect to any property conveyed to such corporation under par. (a),  
19 such lease from such corporation may be subject or subordinated to one or more  
20 mortgages of such property granted by such corporation.

21 SECTION 13. 13.488 (1) (d) of the statutes is amended to read:

22 13.488 (1) (d) The duty to submit the plans and specifications for all such new  
23 buildings and all conveyances, leases and subleases made pursuant to this section  
24 to the department of administration and the governor for written approval before  
25 they are finally adopted, executed and delivered.

each agency shall submit to the

department of administration an inventory of

all real property under its jurisdiction together  
with the estimated fair market value of each property. The  
agency shall specifically identify any

underutilized  
assets in

inventory.

No later

than

July 1

following

receipt of the inventories

shall obtain  
appraisals of all  
properties in the  
inventories that are  
identified by the  
department for  
potential sale  
and

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7-90

1 ~~SECTION 14. 16.310 of the statutes is repealed.~~

2 SECTION 15. 16.705 (1) of the statutes is amended to read:

3 16.705 (1) The Except as otherwise provided in this section, the department  
4 or its agents may contract for services which can be performed more economically or  
5 efficiently by such contract. The department shall, by rule, prescribe uniform  
6 procedures for determining whether services are appropriate for contracting under  
7 this subsection.

8 SECTION 16. 16.705 (1e) of the statutes is created to read:

9 16.705 (1e) Subsection (1) does not apply to contracts entered into by the  
10 department under s. 16.848 (1).

11 SECTION 17. 16.84 (1) of the statutes is amended to read:

12 16.84 (1) Have charge of, operate, maintain and keep in repair the state capitol  
13 building, the executive residence, ~~the light, heat and power plant, any heating,~~  
14 cooling, and power plants serving state properties that are not operated by an agency,  
15 as defined in s. 16.52 (7), or by a purchaser, lessee, or contractor under s. 13.48 (14)  
16 or 16.848 (1), the state office buildings and their power plants, the grounds connected  
17 therewith, and such other state properties as are designated by law. All costs of such  
18 operation and maintenance shall be paid from the appropriations under s. 20.505 (5)  
19 (ka) and (kb), except for debt service costs paid under s. 20.866 (1) (u). The  
20 department shall transfer moneys from the appropriation under s. 20.505 (5) (ka) to  
21 the appropriation account under s. 20.505 (5) (kc) sufficient to make principal and  
22 interest payments on state facilities and payments to the United States under s.  
23 13.488 (1) (m).

24 SECTION 18. 16.848 (title) of the statutes is amended to read:



1           16.848 (title) Sale or lease of certain state property; contractual  
2           operation ~~by lessee.~~ <sup>of heating, cooling and power plants</sup> NO STRIKE

3           SECTION 19. 16.848 (1) of the statutes is amended to read:

4           16.848 (1) Except as provided in sub. (2), the ~~the~~ department may offer for sale  
5           or lease any state-owned real property, if the department determines that the sale  
6           is in the best interest of the state, unless prohibited under the state or federal  
7           constitution or federal law or the sale is conducted as a part of a procedure to enforce  
8           an obligation to this state. Any sale may be either on the basis of public bids, with  
9           the department reserving the right to reject any bid in the interest of the state, or  
10          negotiated prices. If the department receives an offer to purchase property offered  
11          under this subsection, the department may submit a report to the building  
12          commission recommending acceptance of the offer. The report shall contain a  
13          description of the property and the reasons for the recommendation. The  
14          department may recommend the sale of ~~a parcel of~~ <sup>the plant</sup> property with or without the  
15          approval of the agency, as defined in s. 16.52 (7), having jurisdiction of the property.

16          If the building commission approves the proposed sale, the department may sell the  
17          property. If the department sells or leases any state-owned real property under this  
18          subsection, the department may attach such conditions to the sale or lease as it finds  
19          to be necessary or appropriate to carry out the sale or lease in the best interest of the  
20          state. If the department leases <sup>a</sup> ~~state-owned real property~~ <sup>heating, cooling or power plant</sup> under this subsection, the  
21          department may contract with the lessee for the operation of ~~any function that is~~ <sup>the plant</sup>  
22          ~~performed by the state on the property.~~ Notwithstanding ss. 196.49 and 196.80, if  
23          the department sells or leases <sup>a</sup> ~~state-owned property~~ <sup>plant</sup> under this subsection to a public  
24          utility, as defined in s. 196.01 (5), no approval or certification of the public service  
25          commission is necessary for the public utility to purchase or lease the ~~property~~ <sup>plant</sup> or

heating, cooling or power plant

at a plant

1 contract for operation of any function performed by the state  
2 leased to the public utility under this subsection, and any such purchase, lease, or  
3 contract is considered to be in the public interest and to comply with the criteria for  
4 certification of a project under s. 196.49 (3) (b).

5 SECTION 20. 16.848 (1g) of the statutes is created to read:

6 16.848 (1g) If any ~~parcel of~~<sup>e</sup> property that is proposed to be sold by the  
7 department under sub. (1) is co-owned by a nonstate entity, the department shall  
8 afford to that entity the right of first refusal to purchase the share of the property  
9 owned by the state on reasonable financial terms established by the department.

10 SECTION 21. 16.848 (1r) of the statutes is created to read:

11 16.848 (1r) (a) If the department sells or contracts with a lessee for the  
12 operation of any facility that is operated by an agency, as defined in s. 16.52 (7), on  
13 the day prior to the effective date of the sale or contract, the secretary shall,  
14 notwithstanding s. 16.50 (1), require submission of expenditure estimates for  
15 approval under s. 16.50 (2) for each agency that proposes to expend moneys from any  
16 appropriation for the operation of the facility during the fiscal biennium in which the  
17 facility is sold or operated under contract.

18 (b) Notwithstanding s. 16.50 (2), the secretary shall disapprove any such  
19 estimate for the period during which the facility is not operated by the agency. The  
20 secretary may then require the use of the amounts of any disapproved expenditure  
21 estimates for the purpose of purchase of contractual services from the facility or  
22 payment of the costs of purchasing services that were provided by the facility from  
23 an alternative source. If the department sells or contracts for the operation of a  
24 facility under this subsection, the secretary may identify any full-time equivalent  
25 positions authorized for the agency that was operating the facility the duties of which

1 primarily relate to the management or operation of the facility, and may decrease the  
2 authorized full-time equivalent positions for the agency by the number of positions  
3 so identified effective on the effective date of the sale or contract.

4 (c) Notwithstanding ss. 20.001 (3) (a) to (c) and 25.40 (3), the secretary may  
5 lapse or transfer to the general fund from the unencumbered balance of  
6 appropriations to any agency, other than sum sufficient appropriations and  
7 appropriations of federal revenues, any amount appropriated to an agency that is  
8 determined by the secretary to be allocated for the management or operation of the  
9 facility that was sold or operated under contract effective on the effective date of the  
10 sale or contract.

11 (d) The secretary shall report any action taken under this subsection to the  
12 cochairpersons of the joint committee on finance.

13 **SECTION 22.** 16.848 (2) <sup>(a)</sup> of the statutes is repealed. x x x

14 **SECTION 23.** 16.848 (4) (a) of the statutes is amended to read:

15 16.848 (4) (a) ~~Except as provided in s. 13.48 (14) (e),~~ if if there is any  
16 outstanding public debt used to finance the acquisition, construction, or  
17 improvement of any property that is sold under sub. (1), the department shall deposit  
18 a sufficient amount of the net proceeds from the sale of the property in the bond  
19 security and redemption fund under s. 18.09 to repay the principal and pay the  
20 interest on the debt, and any premium due upon refunding any of the debt. If the  
21 property was acquired, constructed, or improved with federal financial assistance,  
22 the department shall pay to the federal government any of the net proceeds required  
23 by federal law. If the property was acquired by gift or grant or acquired with gift or  
24 grant funds, the department shall adhere to any restriction governing use of the  
25 proceeds. Except as required under ss. 13.48 (14) (e), 20.395 (9) (qd), and 51.06 (6),

No STRIKE

1 ~~if~~ <sup>NO STRIKE</sup> If there is no such debt outstanding, there are no moneys payable to the federal  
2 government, and there is no restriction governing use of the proceeds, and if the net  
3 proceeds exceed the amount required to be deposited, paid, or used for another  
4 purpose under this paragraph, the department shall first use the net proceeds or  
5 remaining net proceeds <sup>from the sale or lease</sup> ~~to retire any revenue obligation debt in the fund that was~~  
6 used to acquire, construct, or improve the property <sup>in the manner</sup> ~~that was used~~ <sup>provided in par. (am)</sup> shall then use the  
7 proceeds or the remaining net proceeds to pay principal and interest costs on  
8 outstanding public debt that was used for transportation purposes from general fund  
9 supported borrowing, shall then use the net proceeds or remaining net proceeds to  
10 pay principal and interest costs on outstanding public debt that was used for  
11 transportation purposes from segregated fund or segregated revenue supported  
12 borrowing, and shall then use the net proceeds or remaining net proceeds to pay  
13 principal and interest costs on other outstanding public debt.

14 **SECTION 24.** 16.848 (4) (b) (intro.) of the statutes is amended to read:

15 16.848 (4) (b) (intro.) ~~For~~ Except as otherwise required under par. (a), for the  
16 purpose of paying principal and interest costs on other outstanding public debt under  
17 par. (a), the secretary may cause outstanding bonds to be called for redemption on  
18 or following their optional redemption date, establish one or more escrow accounts  
19 to redeem bonds at their optional redemption date, or purchase bonds in the open  
20 market. To the extent practical, the secretary shall consider all of the following in  
21 determining which public debt to redeem:

22 **SECTION 25.** 16.98 (3) of the statutes is amended to read:

23 16.98 (3) All proceeds from the sale of ~~land, buildings, supplies and equipment~~  
24 personal property received under this section shall be credited to the appropriation  
25 under s. 20.505 (1) (im) or (ka). Such proceeds may be used for the purchase of lands

1 and buildings or for construction or improvement of buildings for the purpose of  
2 storing and handling excess and surplus property.

X 3 **SECTION 26.** 20.370 (1) (gr) of the statutes is amended to read:

4 20.370 (1) (gr) *Endangered resources program — gifts and grants; sale of*  
5 *state-owned lands.* All moneys received from gifts, grants and bequests for the  
6 endangered resources program, as defined under s. 71.10 (5) (a) 2., to be expended  
7 for the purposes for which made and received; and all moneys received from gifts and  
8 contributions under the Wisconsin natural areas heritage program and all moneys  
9 received from the sale of state-owned lands withdrawn from the state natural areas  
10 system for the purposes of natural heritage land acquisition activities, natural area  
11 land acquisition activities, and administration of the natural areas inventory  
12 program.

X 13 **SECTION 27.** 20.370 (7) (ag) of the statutes is repealed.

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This SECTION and the treatment of ss. 20.866 (1) (u) and 23.0917 (5m) (b), stats., if still being used, might need to be retained in order to ensure that there is some revenue stream to retire stewardship bonds retired under s. 23.0917 (5m) (b), stats.

14 **SECTION 28.** 20.373 (1) (g) of the statutes is amended to read:

15 20.373 (1) (g) *Administration, operation, repair, and rehabilitation.* From the  
16 general fund, all moneys received from the sale of surplus land under 2005 Wisconsin  
17 Act 25, section 9105 (14q), ~~prior to the effective date of this paragraph ... [LRB~~  
18 ~~except as provided in s. 13.48(14) (am) or 16.848(1)~~  
~~inserts date]~~ to be used for administration of the authority and the operation, repair,  
19 and rehabilitation of the Fox River lock system.

X 20 **SECTION 29.** 20.395 (9) (qd) of the statutes is amended to read:

21 20.395 (9) (qd) *Freeway land disposal reimbursement clearing account.* All  
22 moneys received from the disposition of interests in lands and property previously

1 acquired and held in trust for the state for freeway development for the purpose of  
2 reimbursing federal and local governments government for expenses incurred by  
3 them it for such acquisition.

X 4 **SECTION 30.** 20.410 (3) (hm) of the statutes is amended to read:

5 20.410 (3) (hm) *Juvenile correctional services.* The amounts in the schedule for  
6 juvenile correctional services specified in ss. 49.45 (25) (bj) and 301.26 (4) (c) and (d).  
7 All moneys received from the sale of surplus personal property, including vehicles,  
8 from juvenile correctional institutions operated by the department, all moneys  
9 received as payments in restitution of property damaged at juvenile correctional  
10 institutions operated by the department, all moneys received from miscellaneous  
11 services provided at a juvenile correctional institution operated by the department,  
12 all moneys transferred under s. 301.26 (4) (cm), all moneys transferred under s.  
13 301.26 (4) (ct), and, except as otherwise provided in pars. (ho) and (hr), all moneys  
14 received in payment for juvenile correctional services as specified in s. 301.26 (4) (d),  
15 (dt), and (g) shall be credited to this appropriation account. If moneys generated by  
16 the daily rate under s. 301.26 (4) (d) exceed actual fiscal year institutional costs by  
17 more than 2%, all moneys in excess of 2% shall be remitted to the counties during the  
18 subsequent calendar year or transferred to the appropriation account under par. (kx)  
19 during the subsequent fiscal year. Each county and the department shall receive a  
20 proportionate share of the remittance and transfer depending on the total number  
21 of days of placement at juvenile correctional institutions including the Mendota  
22 Juvenile Treatment Center. Counties shall use the funds for purposes specified in  
23 s. 301.26. The department shall deposit in the general fund the amounts transferred  
24 under this paragraph to the appropriation account under par. (kx).

X 25 **SECTION 31.** 20.435 (2) (gk) of the statutes is amended to read:

X 1 20.435 (2) (gk) *Institutional operations and charges.* The amounts in the  
2 schedule for care, other than under s. 51.06 (1r), provided by the centers for the  
3 developmentally disabled, to reimburse the cost of providing the services and to  
4 remit any credit balances to county departments that occur on and after  
5 July 1, 1978, in accordance with s. 51.437 (4rm) (c); for care, other than under s.  
6 46.043, provided by the mental health institutes, to reimburse the cost of providing  
7 the services and to remit any credit balances to county departments that occur on and  
8 after January 1, 1979, in accordance with s. 51.42 (3) (as) 2.; for maintenance of  
9 state-owned housing at centers for the developmentally disabled and mental health  
10 institutes; for repair or replacement of personal property damaged at the mental  
11 health institutes or at centers for the developmentally disabled; and for reimbursing  
12 the total cost of using, producing, and providing services, products, and care. All  
13 moneys received as payments from medical assistance on and after August 1, 1978;  
14 as payments from all other sources including other payments under s. 46.10 and  
15 payments under s. 51.437 (4rm) (c) received on and after July 1, 1978; as medical  
16 assistance payments, other payments under s. 46.10, and payments under s. 51.42  
17 (3) (as) 2. received on and after January 1, 1979; as payments for the rental of  
18 state-owned housing and other institutional facilities at centers for the  
19 developmentally disabled and mental health institutes; for the sale of electricity,  
20 steam, or chilled water; as payments in restitution of personal property damaged at  
21 the mental health institutes or at centers for the developmentally disabled; for the  
22 sale of surplus personal property, including vehicles, at the mental health institutes  
23 or at centers for the developmentally disabled; and for other services, products, and  
24 care shall be credited to this appropriation, except that any payment under s. 46.10  
25 received for the care or treatment of patients admitted under s. 51.10, 51.15, or 51.20

1 for which the state is liable under s. 51.05 (3), of forensic patients committed under  
2 ch. 971 or 975, admitted under ch. 975, or transferred under s. 51.35 (3), or of patients  
3 transferred from a state prison under s. 51.37 (5), to the Mendota Mental Health  
4 Institute or the Winnebago Mental Health Institute shall be treated as general  
5 purpose revenue — earned, as defined under s. 20.001 (4); and except that moneys  
6 received under s. 51.06 (6) may be expended only as provided in s. 13.101 (17).

7 ~~SECTION 32.~~ 20.465 (1) (g) of the statutes is amended to read:

8 20.465 (1) (g) *Military property.* The amounts in the schedule for rent of  
9 state-owned military lands or buildings used by, acquired for or erected for the  
10 Wisconsin national guard under s. 321.03 (2) (a), for rental of buildings and grounds  
11 maintenance equipment owned by the state and required to properly maintain  
12 properties supported by state-federal cooperative funding agreements, for the  
13 repair and maintenance of state-owned military lands or buildings, for the payment  
14 of municipal assessments related to state-owned military property and for the  
15 purchase and construction of new military property, real and personal. All moneys  
16 received on account of lost military property, from the sale of obsolete or  
17 unserviceable military personal property, from the sale of any state-owned military  
18 personal property, ~~real and personal~~, under s. 321.03 (2) (b), from the rental of  
19 state-owned housing, or from the provision of housing-related services to military  
20 personnel shall be credited to this appropriation.

21 ~~SECTION 33.~~ 20.507 (1) (h) of the statutes is amended to read:

22 20.507 (1) (h) *Trust lands and investments — general program operations.* The  
23 amounts in the schedule for the general program operations of the board as provided  
24 under ss. 24.04, 24.09 (1) (bm) (3), 24.53 and 24.62 (1). All amounts deducted from  
25 the gross receipts of the appropriate funds as provided under ss. 24.04, 24.09 (1) (bm)



(3), 24.53 and 24.62 (1) shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance at the end of each fiscal year shall be transferred to the trust funds, as defined under s. 24.60 (5). The amount transferred to each trust fund, as defined under s. 24.60 (5), shall bear the same proportion to the total amount transferred to the trust funds that the gross receipts of that trust fund bears to the total gross receipts credited to this appropriation account during that fiscal year.

**SECTION 34.** 20.866 (1) (u) of the statutes is amended to read:

20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b) and (s), 20.190 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e), 20.255 (1) (d), 20.285 (1) (d), (je), and (gj), 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), ~~(ag)~~, (aq), (ar), (at), (au), (bq), (br), (cb), (cc), (cd), (cg), (cq), (er), (cs), (ct), (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), and (au), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee), 20.465 (1) (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and (5) (c), (g), and (kc), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b), (bb), (bc), (bd), (be), (bf), (bg), (bh), (bi), (bj), (bk), (bm), (bn), (bp), (bq), (br), (bu), (bv), (g), (h), (i), (kd), and (q) for the payment of principal, interest, premium due, if any, and payment due, if any, under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a) relating to any public debt contracted under subchs. I and IV of ch. 18.

\*\*\*NOTE: See the second \*\*\*NOTE under the treatment of s. 20.370 (7) (ag), stats.

**SECTION 35.** 20.913 (3) (b) of the statutes is amended to read:

20.913 (3) (b) *Lands.* For repayment of moneys paid to the state on purchases of public or escheated lands, as provided in ss. 24.11, 24.33, 24.34 and 24.35.

SECTION 36. 23.0917 (5m) (b) (intro.) and 4. of the statutes are consolidated, renumbered 23.0917 (5m) (b) and amended to read:

23.0917 (5m) (b) For each land acquisition transaction under this subsection, all of the following apply:

4. For bonds that are not retired from the proceeds of the sale of the acquired land within 3 years after the date on which the land was acquired by the department, the department shall adjust the available bonding authority for the subprogram for land acquisition by decreasing the available bonding authority for the next fiscal year beginning after the end of that the 3-year period following the date of acquisition by an amount equal to the total amount of the bonds that have not been retired from such proceeds in that fiscal year and, if necessary, shall decrease for each subsequent fiscal year the available bonding authority in an amount equal to that available bonding authority or equal to the amount still needed to equal the total amount of the bonds that have not been retired from such proceeds, whichever is less, until the available bonding authority has been decreased by an amount equal to the total of the bonds that have not been retired.

SECTION 37. 23.0917 (5m) (b) 1. to 3. of the statutes are repealed.

\*\*\*\*NOTE: This SECTION and the treatment of ss. 20.370 (7) (ag) and 20.866 (1) (u), stats., if still being used, might need to be retained in order to ensure that there is some revenue stream to retire stewardship bonds retired under s. 23.0917 (5m) (b), stats.

SECTION 38. 23.0917 (6m) (e) of the statutes is amended to read:

23.0917 (6m) (e) This subsection does not apply to moneys obligated for the purpose of property development as described under sub. (4) or to moneys obligated for land acquired by the department under s. 24.59 (1).

SECTION 39. 23.15 of the statutes is repealed.

SECTION 40. 23.196 (2) (c) of the statutes is repealed.

X 1 **SECTION 41.** 23.1985 of the statutes is repealed.

X 2 **SECTION 42.** 23.27 (6) of the statutes is amended to read:

3 23.27 (6) SALE; CREDIT. ~~Moneys received by the state from the sale of any area~~  
4 ~~on state-owned land under the department's management or control which is~~  
5 ~~withdrawn from the state natural areas system shall be credited to the appropriation~~  
6 ~~under s. 20.370 (1) (gr).~~ An amount equal to the value of any area on state-owned  
7 land under the department's management or control which is withdrawn from the  
8 state natural areas system but remains in state ownership shall be credited to the  
9 appropriation under s. 20.370 (1) (gr).

X 10 **SECTION 43.** 24.01 (1), (4), (5), (7), (9) and (10) of the statutes are amended to  
11 read:

12 24.01 (1) "Agricultural college lands" embraces all lands granted to the state  
13 by an act of congress entitled "An act donating public lands to the several states and  
14 territories which may provide colleges for the benefit of agriculture and the mechanic  
15 arts," approved July 2, 1862, as well as any land received under s. 24.09 (1) (bm) (3)  
16 in exchange for such land.

17 (4) "Marathon County lands" embraces all lands acquired by the state  
18 pursuant to chapter 22 of the general laws of 1867, as well as any land received under  
19 s. 24.09 (1) (bm) (3) in exchange for such land.

20 (5) "Normal school lands" embraces all parcels of said "swamp lands" which the  
21 legislature has declared or otherwise decided, or may hereafter declare or otherwise  
22 decide, were not or are not needed for the drainage or reclamation of the same or  
23 other lands, as well as any land received under s. 24.09 (1) (bm) (3) in exchange for  
24 such land.

(7) "School lands" embraces all lands made a part of "the school fund" by article X, section 2, of the constitution, as well as any land received under s. 24.09 (1) (bm) (3) in exchange for such land.

(9) "Swamp lands" embraces all lands which have been or may be transferred to the state pursuant to an act of congress entitled "An act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits," approved September 28, 1850, or pursuant to an act of congress entitled "An act for the relief of purchasers and locators of swamp and overflowed lands," approved March 2, 1855, as well as any land received under s. 24.09 (1) (bm) (3) in exchange for such land.

(10) "University lands" embraces all lands the proceeds of which are denominated "the university fund" by article X, section 6, of the constitution, as well as any land received under s. 24.09 (1) (bm) (3) in exchange for such land.

SECTION 44. 24.04 (2) of the statutes is amended to read:

24.04 (2) DISBURSEMENTS. All expenses necessarily incurred in caring for and selling public lands shall be deducted from the gross receipts of the fund to which the proceeds of the sale of the land will be added for which the lands are granted. Expenses necessarily incurred in caring for public lands may include expenses for reforestation, erosion and insect control, submerged log monitoring, surveys, appraisals, soil surveys and soil mapping activities and other land management practices that serve to protect or enhance the interests of the beneficiaries of the trust funds.

SECTION 45. 24.06 of the statutes is repealed.

SECTION 46. 24.07 of the statutes is repealed.

SECTION 47. 24.08 (1) of the statutes is amended to read:

1       24.08 (1) LANDS APPRAISED. Every parcel of public land that was never  
2       appraised; every parcel of public land forfeited to the state under s. 24.28 and every  
3       parcel of land mortgaged to secure any loan of trust funds and bid in by the state at  
4       a sale an exchange of that land under the mortgage shall be appraised under this  
5       section before it is offered or reoffered for sale at public auction, at private sale or  
6       exchanged for other lands. These lands may be reappraised whenever necessary.

7       **SECTION 48.** 24.08 (4) of the statutes is amended to read:

8       24.08 (4) APPRAISED VALUE, MINIMUM PRICE, GOVERNMENT MINIMUM. Such  
9       appraised value shall be the minimum price of the land until sold or reappraised.  
10      Until an appraisal under this section, the appraisal last heretofore made of any  
11      parcel of public land, if any has been made, shall fix the minimum price thereof.  
12      Notwithstanding this section no parcel of public land having a minimum price for the  
13      sale thereof fixed by the act of congress granting the same to the state, shall be sold  
14      for a lesser price than that so fixed.

15      **SECTION 49.** 24.09 (title) of the statutes is amended to read:

16      **24.09 (title) Procedure before sale or exchange; withdrawal; resale.**

17      **SECTION 50.** 24.09 (1) (a) of the statutes is renumbered 24.09 (1) and amended  
18      to read:

19      24.09 (1) Except as provided under par. (c) sub. (4), the board may not sell or  
20      exchange any public lands which were not appraised or appraised under s. 24.08.  
21      Except as provided under pars. (b), (bm) and (c) subs. (2), (3), and (4), the board may  
22      not sell or exchange any public lands except at public auction or by sealed bid.

23      **SECTION 51.** 24.09 (1) (b) of the statutes is renumbered 24.09 (2) and amended  
24      to read:

1       24.09 (2) Lands required for federal, state, county, city, village, town, or school  
2       district use may be sold at the appraised value to, or exchanged for land of  
3       approximately equivalent value with, the federal government, other state  
4       departments, boards or commissions, counties, cities, villages, towns, or school  
5       districts.

6       **SECTION 52.** 24.09 (1) (bm) of the statutes is renumbered 24.09 (3) and amended  
7       to read:

8       24.09 (3) The board may exchange part or all of any parcel of public lands for  
9       any other land of approximately equal value if the board determines that the  
10      exchange will contribute to the consolidation or completion of a block of land,  
11      enhance conservation of lands or otherwise be in the public interest. Under this  
12      paragraph subsection, an exchange is of “approximately equal value” if the difference  
13      in value between the more highly valued land and the less highly valued land does  
14      not exceed 10% of the value of the more highly valued land. All expenses necessarily  
15      incurred in making an exchange under this paragraph subsection shall be deducted  
16      from the gross receipts of the fund to which the proceeds of the sale of the exchanged  
17      land will be added for which the lands are granted.

18      **SECTION 53.** 24.09 (1) (c) of the statutes is renumbered 24.09 (4) and amended  
19      to read:

20      24.09 (4) Lands located within the federally recognized exterior boundaries of  
21      Indian reservations or located adjacent to the federally recognized boundaries of  
22      Indian reservations may be sold to or exchanged with the Indian tribe or tribes  
23      located on those reservations or sold to or exchanged with the federal government for  
24      the benefit and use of such tribe or tribes upon prices, terms and conditions agreeable

1 to the board and without being subject to the restrictions and procedure otherwise  
2 provided by law for the sale exchanged of public lands.

X 3 **SECTION 54.** 24.09 (1) (d) of the statutes is repealed.

X 4 **SECTION 55.** 24.09 (2) of the statutes is repealed.

x 5 **SECTION 56.** 24.10 of the statutes is repealed.

x 6 **SECTION 57.** 24.11 (title) of the statutes is repealed and recreated to read:

7 **24.11 (title) Reservation.**

X 8 **SECTION 58.** 24.11 (1) of the statutes is repealed.

✓ 9 **SECTION 59.** 24.11 (2) of the statutes is repealed.

x 10 **SECTION 60.** 24.11 (3) (title) of the statutes is repealed.

X 11 **SECTION 61.** 24.11 (3) of the statutes is renumbered 24.11 and amended to read:

X 12 **24.11** Every contract, ~~certificate of sale,~~ or grant hereunder of public lands  
13 shall reserve to the people the right of access to such lands and to any meandered or  
14 nonmeandered stream, river, pond or lake navigable in fact for any purpose  
15 whatsoever, bordered by such lands and all rights necessary to the full enjoyment of  
16 such waters, and of all minerals in said lands, and all mining rights therein, and shall  
17 also be subject to continued ownership by the state of all waterpower rights on such  
18 lands or in any manner appurtenant thereto. Such conveyance shall also be subject  
19 to a continuing easement in the state and its assigns to enter and occupy such lands  
20 in any manner necessary and convenient to the removal of such mineral from such  
21 lands and to the proper exercise of such mineral rights, and shall be further subject  
22 to the continuing easement in the state and its assigns to enter and occupy such lands  
23 in any manner necessary and convenient to the development, maintenance and use  
24 of any such water rights. Nothing contained in this section shall be construed to

1 provide for the continued ownership in the state of any stone used for building  
2 purposes nor of any sand or gravel.

X 3 SECTION 62. 24.11 (4) of the statutes is repealed.

X 4 SECTION 63. 24.12 of the statutes is repealed.

X 5 SECTION 64. 24.14 of the statutes is repealed.

X 6 SECTION 65. 24.15 of the statutes is repealed.

X 7 SECTION 66. 24.16 of the statutes is repealed.

X 8 SECTION 67. 24.17 of the statutes is repealed.

X 9 SECTION 68. 24.18 of the statutes is repealed.

X 10 SECTION 69. 24.19 of the statutes is repealed.

X 11 SECTION 70. 24.20 of the statutes is repealed.

X 12 SECTION 71. 24.21 of the statutes is repealed.

X 13 SECTION 72. 24.22 of the statutes is repealed.

X 14 SECTION 73. 24.23 of the statutes is repealed.

X 15 SECTION 74. 24.24 (1) of the statutes is amended to read:

16 24.24 (1) Except when voided by forfeiture under s. 24.28, a certificate of sale  
17 issued under s. 24.17, 2011 stats., entitles the purchaser, or the purchaser's heirs or  
18 assigns, to all the rents, benefits, and provisions of any lease existing on the lands  
19 described in the certificate at the time of the land purchase and accruing after the  
20 purchase. The certificate of sale is sufficient evidence of title and vests in the  
21 purchaser, or the purchaser's heirs and assigns, the same rights of possession,  
22 enjoyment, descent, transmission, and alienation of the lands described in the  
23 certificate and the same remedies for the protection of those rights against all  
24 persons, except the state, that the purchaser would possess if the purchaser were the  
25 owner in fee of the described lands.



**SECTION 75.** 24.25 of the statutes is repealed.

**SECTION 76.** 24.27 of the statutes is repealed.

**SECTION 77.** 24.28 (1) (intro.) of the statutes is amended to read:

24.28 (1) (intro.) A certificate of sale issued under s. 24.17, 2011 stats., becomes void upon the occurrence of any of the following, and the purchaser of the lands described in the certificate, or the purchaser's heirs and assigns, shall forfeit all right and interest in the lands:

**SECTION 78.** 24.28 (2) of the statutes is amended to read:

24.28 (2) In the event of a forfeiture of lands under sub. (1), the board may take immediate possession of and resell the forfeited lands as provided under ss. 24.29 to 24.30 and 24.33.

**SECTION 79.** 24.29 of the statutes is repealed.

**SECTION 80.** 24.31 of the statutes is repealed.

**SECTION 81.** 24.32 of the statutes is repealed.

**SECTION 82.** 24.33 (1) (intro.) of the statutes is amended to read:

24.33 (1) (intro.) The board, within 3 months after a resale under s. 24.32, 2011 stats., may by a written recorded order, a copy of which shall be immediately served on the purchaser of the resold land, avoid and cancel the resale and restore and revive the certificate issued to the original purchaser of the land under s. 24.17, 2011 stats., after all of the following occur:

**SECTION 83.** 24.52 of the statutes is amended to read:

**24.52 Jurisdiction.** Together with the power and duty of ~~selling the school and university lands and investing the funds arising therefrom~~ from the sale of the school and university lands, prescribed for the board by article X, section 7, of the constitution, it is invested with power to ~~dispose of all other public lands and all~~

1 interests in lands held by the state for sale, and with such further powers as may be  
2 necessary or convenient to enable it to exercise the functions and perform the duties  
3 imposed upon it by law.

4 SECTION 84. 24.53 of the statutes is amended to read:

5 **24.53 Investigate land claims; deduct expenses.** The board of  
6 commissioners of public lands shall investigate the rights of the state to school lands,  
7 normal school lands, university lands and agricultural college lands. The expenses  
8 incurred in making these investigations and taking necessary steps to protect  
9 common school lands, normal school lands, university lands and agricultural college  
10 lands and timber on those lands, as well as the expense of necessary surveys, records,  
11 appraisals and sales, upon the approval of the board, shall be deducted from the gross  
12 receipts of the fund ~~to which the proceeds from the sale of the land or timber will be~~  
13 added for which the lands are granted.

14 SECTION 85. 24.57 of the statutes is amended to read:

15 **24.57 Report of board.** The board shall include in any report submitted  
16 under s. 15.07 (6) a report of its official proceedings for the period since the  
17 proceedings reported in the most recent report, showing the quantity of land sold or  
18 leased and the amount received therefor, the amount of interest moneys accrued or  
19 received and a specific account of the several investments made by them, stating in  
20 all cases of loans, the name of each borrower, the sum borrowed and a description of  
21 the property mortgaged. The report also shall include such other matters as it thinks  
22 proper to communicate or as the legislature requires.

23 SECTION 86. 24.59 of the statutes is repealed.

24 SECTION 87. 24.605 of the statutes is amended to read:

1 **24.605 Accounts in trust funds for deposit of proceeds from sale of**  
2 **certain lands.** The board shall establish in each of the trust funds an account to  
3 which are credited the proceeds from the sale of any public lands on or after May 3,  
4 2006, and before the effective date of this section .... [LRB inserts date], that are  
5 required by law to be deposited in the funds. Moneys credited to the accounts in the  
6 funds may only be used to invest in land under s. 24.61 (2) (a) 10. and for the payment  
7 of expenses necessarily related to investing in land under s. 24.61 (2) (a) 10.

8 **SECTION 88.** 25.17 (8) of the statutes is amended to read:

9 25.17 (8) Accept, when necessary to protect a mortgage loan, a quitclaim deed  
10 or warranty deed to the mortgaged property in full satisfaction of the mortgage debt,  
11 subject to prior action under s. 13.48(1)(am) or 16.848(1)3  
12 and manage, operate, lease, exchange, sell and convey, by land contract, quitclaim  
13 deed or warranty deed, and grant easement rights in, any real property acquired by  
14 the board.

15 **SECTION 89.** 25.295 (1) (b) of the statutes is amended to read:

16 25.295 (1) (b) Notwithstanding s. 23.15 (4), all All moneys received by the  
17 department of natural resources from utility easements on property located in the  
18 state park system, a southern state forest, as defined in s. 27.016 (1) (c), or a state  
19 recreation area under ss. 23.09 (10), 27.01 (2) (g) and 28.02 (5).

20 **SECTION 90.** 25.60 of the statutes is amended to read:

21 **25.60 Budget stabilization fund.** There is created a separate nonlapsible  
22 trust fund designated as the budget stabilization fund, consisting of moneys  
23 transferred to the fund from the general fund under ss. 13.48 (14) (e), 16.518 (3), and  
24 16.72 (4) (b).

25 **SECTION 91.** 28.02 (4) of the statutes is repealed.

**SECTION 92.** 36.09 (1) (L) of the statutes is amended to read:

1 36.09 (1) (L) The board shall possess all powers necessary or convenient for the  
2 operation of the system except as limited in this chapter and ~~ss. 13.48 (14) (am) and~~ 16.848 (1).

3 **SECTION 93.** 36.09 (1) (m) of the statutes is created to read:

4 36.09 (1) (m) If the department of administration sells, leases, or contracts with  
5 a lessee for the operation of any real property that was under the jurisdiction of the  
6 board prior to the sale, lease, or contract, the board shall convey all systems, fixtures,  
7 or additional property interests specified by the department of administration to the  
8 purchaser or lessor of the property on terms specified by the department of  
9 administration.

10 **SECTION 94.** 36.11 (1) (b) of the statutes is amended to read:

11 36.11 (1) (b) Except as provided in this paragraph, ~~the board may purchase,~~ and ss. 13.48 (14) (am) and 16.848  
12 have custody of, hold, control, possess, lease, grant easements and enjoy any lands, (1)  
13 buildings, books, records and all other property of any nature which may be  
14 necessary and required for the purposes, objects and uses of the system authorized

15 by law. ~~The power to lease does not apply to any real property that is subject to a lease~~  
16 ~~entered into by the department of administration under s. 16.848 (1).~~ Any lease by

17 the board is subject to the powers of the University of Wisconsin Hospitals and  
18 Clinics Authority under s. 233.03 (13) and the rights of the authority under any lease  
19 agreement, as defined in s. 233.01 (6). The board shall not permit a facility that

20 would be privately owned or operated to be constructed on state-owned land without  
21 obtaining prior approval of the building commission under s. 13.48 (12). ~~The board~~ Subject to prior action under s. 13.48 (14) (am) or 16.848 (1) the

22 ~~may sell or dispose of such property as provided by law, or any part thereof when in~~  
23 ~~its judgment it is for the best interests of the system and the state.~~ All purchases and

24 sales of real property shall be subject to the approval of the building commission. The

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→

1 provision of all leases of real property to be occupied by the board shall be the  
2 responsibility of the department of administration under s. 16.84 (5).

3 **SECTION 95.** 36.11 (1) (e) of the statutes is amended to read:

4 36.11 (1) (e) ~~The~~ <sup>Subject to prior action under s. 13.48(14) (am) or</sup> board, with the approval of the building commission, may ~~sell~~ <sup>16.848</sup>  
5 ~~or~~ lease state-owned residence halls to another state agency or nonstate nonprofit  
6 agency for purposes of alternate use. This paragraph does not apply to any real  
7 property that is subject to a lease entered into by the department of administration  
8 under s. 16.848 (1). <sup>(1) the</sup>

9 **SECTION 96.** 36.11 (28) of the statutes is amended to read:

10 36.11 (28) LEASE AGREEMENT WITH THE UNIVERSITY OF WISCONSIN HOSPITALS AND  
11 CLINICS AUTHORITY. Subject to 1995 Wisconsin Act 27, section 9159 (2) (k), and subject  
12 to any prior lease entered into ~~by the department of administration~~ <sup>13.48(14) (am) or</sup> under s. 16.848  
13 (1), the board shall negotiate and enter into a lease agreement with the University  
14 of Wisconsin Hospitals and Clinics Authority that meets the requirements under s.  
15 233.04 (7) and shall comply with s. 233.04 (7g).

16 **SECTION 97.** 36.33 (title) and (1) of the statutes are amended to read:

17 36.33 (title) ~~Sale~~ <sup>or lease</sup> ~~Lease~~ and relocation of agricultural lands. (1)

18 LEGISLATIVE INTENT. The legislature finds and determines that, because of the  
19 problems resulting from the development of the city of Madison around certain  
20 agricultural lands of the University of Wisconsin-Madison, the desirability of  
21 consolidating lands used for agricultural instruction, research and extension  
22 purposes, the desirability of disposing of agricultural lands no longer needed by the  
23 university and the need for land of better quality and of greater quantity for the  
24 purpose of improving and expanding agricultural research, it is in the public interest  
25 for the board to ~~sell or~~ lease, in whole or in part, ~~the~~ agricultural lands and

<sup>and subject to any</sup>  
<sup>prior action under</sup>  
<sup>s. 13.48(14) (am) or 16.848(1)</sup>

improvements thereon owned by the board and located in sections 19, 20 and 30, township 7 north, range 9 east, Dane County; sections 25 and 27, township 7 north, range 8 east, Dane County; sections 34 and 35, township 38 north, range 11 east, Oneida County; and section 22, township 22 north, range 8 east, Portage County; and to purchase other agricultural lands outside of the Madison urban area and to construct thereon the necessary buildings and improvements. The foregoing policy determination is made without reference to or intention of limiting the powers which the board may otherwise have.

SECTION 98. 36.33 (2) (title) and (a) (intro.) of the statutes are amended to read:

36.33 (2) (title) METHOD OF SALE <sup>OR</sup> LEASE; ASSESSMENTS. (a) (intro.) The board, in

~~selling or~~ leasing any part of the agricultural lands and improvements thereon,

mentioned in sub. (1), shall ~~sell or~~ lease on the basis of either of the following:

SECTION 99. 36.33 (3) of the statutes is amended to read:

36.33 (3) BUILDING COMMISSION APPROVAL. The ~~sale,~~ lease and purchase of agricultural lands mentioned in sub. (1) <sup>is subject to prior action under s.</sup> shall be subject to the approval of the building commission.

~~SECTION 100. 36.33 (4) of the statutes is repealed.~~

~~SECTION 101. 36.335 of the statutes is repealed.~~

SECTION 102. 41.23 of the statutes is amended to read:

**41.23 Sale of excess or surplus property.** The department may acquire excess or surplus property from the department of administration under ss. 16.72 (4)

(b) and 16.98 (1) or from the department of transportation under s. 84.09 (5s) and

<sup>subject to any prior action under s. 13.48 (14) (am) or 16.848 (1)s</sup> ~~The department may sell the (personal) property acquired under this section to any~~

person at a price determined by the department of tourism. All proceeds received by

1 the department of tourism from the sale of property under this section shall be  
2 credited to the appropriation account under s. 20.380 (1) (h).

3 ~~SECTION 103. 41.41 (7) (d) of the statutes is repealed.~~

4 SECTION 104. 44.015 (1) of the statutes is amended to read:

5 44.015 (1) Acquire any interest in real or personal property by gift, bequest or  
6 otherwise in any amount and may operate, manage, sell, or rent or convey real estate  
7 acquired by gift, bequest, foreclosure or other means, upon such terms and conditions  
8 as the board of curators deems for its interests but may not sell, mortgage, transfer  
9 or dispose of in any manner or remove from its buildings, except for temporary  
10 purposes, any article therein without authority of law.

11 ~~SECTION 105. 45.03 (5) (a) 1. of the statutes is amended to read:~~

12 45.03 (5) (a) 1. "Existing building" in relation to any conveyance, lease, or  
13 sublease made under par. (c) 1. means all detention, treatment, administrative,  
14 recreational, infirmary, hospital, vocational, and academic buildings; all dormitories  
15 and cottages; all storage facilities, heating plants, sewage disposal plants, and other  
16 buildings, structures, facilities, and permanent improvements that in the judgment  
17 of the board are needed or useful for the purposes of the department, and all  
18 equipment for them and all improvements and additions to them that were erected,  
19 constructed, or installed prior to the making of the conveyance, lease, or sublease.

20 SECTION 106. 45.03 (5) (a) 2. of the statutes is amended to read:

21 45.03 (5) (a) 2. "New building" in relation to any conveyance, lease, or sublease  
22 made under par. (c) 1. means all detention, treatment, administrative, recreational,  
23 infirmary, hospital, vocational, and academic buildings; all dormitories and cottages;  
24 all storage facilities, heating plants, sewage disposal plants, and other buildings,  
25 structures, facilities, and permanent improvements as in the judgment of the board

are needed or useful for the purposes of the department, and all equipment for them and all improvements and additions to them that are erected, constructed, or installed after the making of the conveyance, lease, or sublease.

~~SECTION 107. 45.03 (5) (c) 1. a. of the statutes is repealed.~~

SECTION 108. 45.03 (5) (c) 1. c. and d. of the statutes are amended to read:

45.03 (5) (c) 1. c. The power to lease or sublease from the nonprofit corporation, and to make available for public use, any land, or any land and existing buildings conveyed or leased to such nonprofit corporation under subd. 1. a. and b., and any new buildings erected upon such land or upon any other land owned by the nonprofit corporation, upon the terms, conditions, and rentals, subject to available appropriations, as in the judgment of the board are in the public interest.

d. The duty to submit the plans and specifications for all new buildings to the building commission for approval whenever required by law and to submit plans and specifications for all new buildings and all conveyances, leases, and subleases made under this subsection to the department of administration and the governor for written approval before they are finally adopted, executed, and delivered.

~~SECTION 109. 45.32 (7) of the statutes is amended to read:~~

~~45.32 (7) Manage, operate, lease, and exchange, sell, and otherwise convey real property.~~

SECTION 110. 46.03 (30) (a) of the statutes is amended to read:

46.03 (30) (a) To provide for an orderly reduction of state institutional primary psychiatric services the department may approve the institutes entering into contracts with county departments under s. 51.42 for providing primary psychiatric care. If excess capacity exists at state operated mental health institutes, the



SS. 13.48 (14) (am) and  
(11)  
1 department shall, subject to s. 16.848, explore the possible sale or lease of such excess  
2 facilities to a county department under s. 51.42.

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X 3 ~~SECTION 111.~~ 46.035 (1) (a) and (b) of the statutes are amended to read:

4 46.035 (1) (a) The term "existing building" in relation to any conveyance, lease  
5 or sublease made under sub. (2) (a), (b), and (c) means all detention, treatment,  
6 administrative, recreational, infirmary, hospital, vocational and academic buildings;  
7 all dormitories and cottages; all storage facilities, heating plants, sewage disposal  
8 plants, and such other buildings, structures, facilities and permanent improvements  
9 as in the judgment of the secretary are needed or useful for the purposes of the  
10 department, and all equipment therefor and all improvements and additions thereto  
11 which were erected, constructed or installed prior to the making of such conveyance,  
12 lease or sublease.

13 (b) The term "new building" in relation to any conveyance, lease or sublease  
14 made under sub. (2) (a), (b), and (c) means all detention, treatment, administrative,  
15 recreational, infirmary, hospital, vocational and academic buildings; all dormitories  
16 and cottages; all storage facilities, heating plants, sewage disposal plants, and such  
17 other buildings, structures, facilities and permanent improvements as in the  
18 judgment of the secretary are needed or useful for the purposes of the department,  
19 and all equipment therefor and all improvements and additions thereto which are  
20 erected, constructed or installed after the making of such conveyance, lease or  
21 sublease.

22 ~~SECTION 112.~~ 46.035 (2) (a) of the statutes is repealed.

23 ~~SECTION 113.~~ 46.035 (2) (c) and (d) of the statutes are amended to read:

24 46.035 (2) (c) The power to lease or sublease from such nonprofit corporation,  
25 and to make available for public use, any such land and existing buildings conveyed

## SECTION 113

1 ~~or~~ leased to such nonprofit corporation under ~~pars. (a) and par. (b)~~, and any new  
 2 buildings erected upon such land or upon any other land owned by such nonprofit  
 3 corporation, upon such terms, conditions and rentals, subject to available  
 4 appropriations, as in the judgment of the secretary are in the public interest. With  
 5 respect to any property conveyed to such nonprofit corporation under par. (a), such  
 6 lease from such nonprofit corporation may be subject or subordinated to one or more  
 7 mortgages of such property granted by such nonprofit corporation.

8 (d) The duty to submit the plans and specifications for all such new buildings  
 9 and all conveyances, leases and subleases made under this subsection to the  
 10 department of administration and the governor for written approval before they are  
 11 finally adopted, executed and delivered.

12 SECTION 114. 46.06 (title) of the statutes is amended to read:

13 **46.06 (title) Lands; condemnation, easements, leases, sales, purchases.**

14 ~~SECTION 115. 46.06 (4) of the statutes is repealed.~~

15 SECTION 116. 51.06 (6) of the statutes is amended to read:

16 51.06 (6) SALE OF ASSETS ~~OR REAL PROPERTY~~ AT NORTHERN CENTER FOR THE

17 DEVELOPMENTALLY DISABLED. The department may maintain the Northern Center for

18 the Developmentally Disabled for the purpose specified in sub. (1), but may sell

19 ~~assets or except~~ real property, of the Northern Center for the Developmentally

20 Disabled. If there is any outstanding public debt used to finance the acquisition,  
 21 construction, or improvement of any property that is sold under this subsection, the

22 department shall deposit a sufficient amount of the net proceeds from the sale of the

23 property in the bond security and redemption fund under s. 18.09 to repay the

24 principal and pay the interest on the debt, and any premium due upon refunding any

25 of the debt. If the property was purchased with federal financial assistance, the

1 department shall pay to the federal government any of the net proceeds required by  
2 federal law. If there is no such debt outstanding and there are no moneys payable  
3 to the federal government, or if the net proceeds exceed the amount required to be  
4 deposited or paid under this subsection, the department shall credit the net proceeds  
5 or remaining net proceeds to the appropriation account under s. 20.435 (2) (gk).

X 6 **SECTION 117.** 84.01 (30) (intro.) of the statutes is amended to read:

7 84.01 (30) BUILD-OPERATE-LEASE OR TRANSFER AGREEMENTS. (intro.) The  
8 department may enter into build-operate-lease or transfer agreements with private  
9 entities for the construction of transportation projects, including any projects to be  
10 financed under s. 84.59 for transportation administrative facilities under s. 84.01  
11 (28) and, for projects that are not purchased by the state upon their completion, for  
12 the maintenance and operation of such projects. A project under this subsection may  
13 be constructed on state-owned land. An agreement under this subsection may not  
14 be entered into unless the department determines that the agreement advances the  
15 public interest, and the private entity has prior experience in design, construction,  
16 site development and environmental impact analysis and, for a project that is not  
17 expected to be purchased by the state upon its completion, has the capability of  
18 maintaining and operating the facility upon completion of the project. The following  
19 provisions shall be contained in any build-operate-lease or transfer agreement  
20 under this subsection, except that they shall be included in an agreement for a sale  
21 of property under par. (g) 3. only if they are relevant to that sale.

22 ~~**SECTION 118.** 84.01 (30) (g) 3. of the statutes is repealed.~~

23 **SECTION 119.** 84.09 (1) of the statutes is amended to read:

24 84.09 (1) The department may acquire by gift, devise, purchase or  
25 condemnation any lands for establishing, laying out, widening, enlarging,

1 extending, constructing, reconstructing, improving and maintaining highways and  
2 other transportation related facilities, or interests in lands in and about and along  
3 and leading to any or all of the same; and after establishment, layout and completion  
4 of such improvements, the department may <sup>§ subject to any prior action under s. 13.48(14)</sup> convey such lands thus acquired and not <sup>(am)</sup>  
5 necessary for such improvements, with reservations concerning the future use and <sup>or</sup> <sup>16.848(1)</sup>  
6 occupation of such lands so as to protect such public works and improvements and  
7 their environs and to preserve the view, appearance, light, air and usefulness of such  
8 public works. Whenever the department deems it necessary to acquire any such  
9 lands or interests therein for any transportation related purpose, it shall so order and  
10 in such order or on a map or plat show the old and new locations and the lands and  
11 interests required, and shall file a copy of the order and map with the county clerk  
12 and county highway committee of each county in which such lands or interests are  
13 required or, in lieu of filing a copy of the order and map, may file or record a plat in  
14 accordance with s. 84.095. For the purposes of this section the department may  
15 acquire private or public lands or interests in such lands. When so provided in the  
16 department's order, such land shall be acquired in fee simple. Unless it elects to  
17 proceed under sub. (3), the department shall endeavor to obtain easements or title  
18 in fee simple by conveyance of the lands or interests required at a price, including  
19 any damages, deemed reasonable by the department. The instrument of conveyance  
20 shall name the state as grantee and shall be recorded in the office of the register of  
21 deeds. The purchase or acquisition of lands or interests therein under this section  
22 is excepted and exempt from s. 20.914 (1). The department may purchase or accept  
23 donations of remnants of tracts or parcels of land existing at the time or after it has  
24 acquired portions of such tracts or parcels by purchase or condemnation for  
25 transportation purposes where in the judgment of the department such action would

1 assist in making whole the landowner, a part of whose lands have been taken for  
2 transportation purposes and would serve to minimize the overall costs of such taking  
3 by the public. ~~This subsection does not apply to lands that are sold under s. 16.848.~~

4 **SECTION 120.** 84.09 (5) (a) of the statutes is amended to read:

5 84.09 (5) (a) Subject to ~~para. (a)~~ (b) and (c) <sup>and any prior action under s. 13.48</sup> and to the approval of the governor, <sup>(14) (am)</sup>  
6 the department may sell at public or private sale ~~any personal~~ <sup>subject to</sup> property of whatever <sup>16.848</sup>

7 nature owned by the state and under the jurisdiction of the department when the <sup>(1)</sup>

8 department determines that the property is no longer necessary for the state's use

9 for transportation purposes <sup>and, if real property, the real property is not the subject</sup>

10 of a petition under s. 16.310 (2). The department shall present to the governor a full

11 and complete report of the property to be sold, the reason for the sale, and the

12 minimum price for which the same should be sold, together with an application for

13 the governor's approval of the sale. The governor shall thereupon make such

14 investigation as he or she may deem necessary and approve or disapprove the

15 application. Upon such approval and receipt of the full purchase price, the

16 department shall ~~by appropriate deed or other instrument~~ transfer the property to

17 the purchaser. The approval of the governor is not required for public or private sale

18 of property having an appraised value at the time of sale of not more than \$15,000, <sup>NO STRIKE</sup>

19 ~~for the transfer of surplus state real property to the department of administration~~

20 ~~under s. 16.310, or for the transfer of surplus state personal property to the~~

21 department of tourism under sub. (5s). The funds derived from sales under this

22 subsection shall be deposited in the transportation fund, and the expense incurred

23 by the department in connection with the sale shall be paid from such fund.

24 ~~SECTION 121.~~ 84.09 (5) (b) of the statutes is amended to read:

1 84.09 (5) (b) Subject to the approval of the governor in the manner, scope, and  
2 form specified in par. (a), with respect to the sale of ~~personal~~ property acquired by  
3 the department for a project that is completed after May 25, 2006, the department  
4 shall, and with respect to the sale of ~~personal~~ property acquired by the department  
5 for a project that is completed before May 25, 2006, the department may offer for sale  
6 or transfer ownership of the property that the department determines is no longer  
7 necessary for the state's use for transportation purposes, ~~if the property is not the~~  
8 ~~subject of a petition under s. 16.310 (2).~~ This disposition process shall take place  
9 within 24 months of the completion of the transportation project for which the  
10 property was acquired. ~~Except as provided in par. (c) 3., the~~ The department shall  
11 offer limited and general marketable properties at appraised value, as determined  
12 by a state-certified or licensed appraiser, for ~~not less than 12 months.~~ If the  
13 department does not sell the ~~property~~ at or above its appraised value, the  
14 department shall offer the property for sale by means of sealed bids or public auction.  
15 For the purposes of this paragraph, a project is completed when final payment is  
16 made under the contract for the project.

17 ~~SECTION 122. 84.09 (5) (c) of the statutes is repealed.~~

18 ~~SECTION 123. 84.09 (5m) of the statutes is repealed.~~

19 ~~SECTION 124. 84.09 (5r) of the statutes is amended to read:~~

20 84.09 (5r) In lieu of the sale or conveyance of property under sub. (5) or (5m),  
21 the The department may, subject to the approval of the governor, donate real  
22 property that is adjacent to the veterans memorial site located at The Highground  
23 in Clark County and owned by the state and under the jurisdiction of the department  
24 to the Wisconsin Vietnam Veterans Memorial Project, Inc., for the purpose of the  
25 veterans memorial site located at The Highground in Clark County for the purpose

1 of a memorial hall specified in s. 70.11 (9). The department may donate property  
2 under this subsection only when the department determines that the property is no  
3 longer necessary for the state's use for transportation purposes and is not the subject  
4 of a petition under s. 16.310 (2) and is transferred with a restriction that the donee  
5 may not subsequently transfer the real property to any person except to this state,  
6 which shall not be charged for any improvements thereon. Such restriction shall be  
7 recorded in the office of the register of deeds in the county in which the property is  
8 located. The department shall present to the governor a full and complete report of  
9 the property to be donated, and the reason for the donation, and the minimum price  
10 for which the property could likely be sold under sub. (5), together with an  
11 application for the governor's approval of the donation. The governor shall  
12 thereupon make such investigation as he or she considers necessary and approve or  
13 disapprove the application. Upon such approval, the department shall by  
14 appropriate deed or other instrument transfer the property to the donee. The  
15 approval of the governor is not required for donation of property having an appraised  
16 value at the time of donation of not more than \$15,000. Any expense incurred by the  
17 department in connection with the donation shall be paid from the transportation  
18 fund.

19 **SECTION 125.** 84.09 (8) (b) of the statutes is amended to read:

20 84.09 (8) (b) Biennially, beginning on January 1, 1984, the department shall  
21 submit to the state building commission and the joint committee on finance an  
22 inventory of surplus land containing a general description of the location and an  
23 estimated value of each parcel. For each inventory submitted after May 25, 2006,  
24 the inventory shall contain a report including the estimated marketable value totals,  
25 by marketable type, of the land parcels, the net gain and net sale of surplus

1 properties in the previous 2-year period, and a summary of the 5 most recent reports  
2 submitted under this paragraph.

3  
4 **SECTION 126.** 84.09 (9) of the statutes is repealed.

5 **SECTION 127.** 84.40 (1) (a) of the statutes is amended to read:

6 84.40 (1) (a) "Existing highways and other improvements," in relation to any  
7 conveyance, lease or sublease made under sub. (2) (a), (b) and (c), means any portion  
8 of the national system of interstate and defense highways in this state, including all  
9 bridges, tunnels, overpasses, underpasses, interchanges, lighting, approaches,  
10 signing, weighing stations, administration, storage and other buildings, facilities or  
11 appurtenances which in the judgment of the department are needed or useful for  
12 interstate highway purposes, and all improvements and additions thereto which  
13 were erected, constructed or installed prior to the making of such conveyance, lease  
or sublease.

14 **SECTION 128.** 84.40 (1) (b) of the statutes is amended to read:

15 84.40 (1) (b) "New highways and other improvements," in relation to any  
16 conveyance, lease or sublease made under sub. (2) (a), (b) and (c), means any portion  
17 of the national system of interstate and defense highways in this state, including all  
18 bridges, tunnels, overpasses, underpasses, interchanges, lighting, approaches,  
19 signing, weighing stations, administration, storage and other buildings, facilities or  
20 appurtenances which in the judgment of the department are needed or useful for  
21 interstate highway purposes, and all improvements and additions thereto or to  
22 existing interstate highways and other improvements which are erected,  
constructed or installed after the making of such conveyance, lease or sublease.

23 **SECTION 129.** ~~84.40 (2) (a) of the statutes is repealed.~~

24 **SECTION 130.** ~~84.40 (2) (c) of the statutes is amended to read:~~  
25



1 ~~84.40 (2) (c) May lease or sublease from such nonprofit-sharing corporation,~~  
2 ~~and make available for public use, any such public right-of-way available for~~  
3 ~~highway purposes and existing highways and other improvements conveyed or~~  
4 ~~leased to such corporations under pars. (a) and par. (b), and any new highways or~~  
5 ~~other improvements constructed upon such public right-of-way available for~~  
6 ~~highway purposes or upon any other land owned by such corporation, upon such~~  
7 ~~terms, conditions and rentals, subject to available appropriations, as the department~~  
8 ~~deems in the public interest. With respect to any property conveyed to such~~  
9 ~~corporation under par. (a), such lease from such corporation may be subject or~~  
10 ~~subordinated to one or more mortgages of such property granted by such corporation.~~

+ 11 **SECTION 131.** 84.40 (2) (f) of the statutes is amended to read:

12 84.40 (2) (f) Shall submit the plans and specifications for all such new highways  
13 or other improvements and all conveyances, leases and subleases and purchase  
14 agreements made under this subsection to the governor for approval before they are  
15 finally adopted, executed and delivered.

✓ 16 **SECTION 132.** 84.40 (4) of the statutes is amended to read:

17 84.40 (4) All conveyances, leases and subleases made under this section shall  
18 be made, executed and delivered in the name of the department and signed by the  
19 ~~secretary or the secretary's designees.~~ e

20 **SECTION 133.** 85.09 (4) of the statutes is amended to read:

21 85.09 (4) ACQUISITION AND CONVEYANCE. Upon its own initiative, the department  
22 may determine at any time whether the rail property is abandoned, and whether it  
23 is in the best interest of the state to acquire the rail property. Within 90 days after  
24 being requested by any state agency, any railroad or any county or municipality in  
25 which the rail property is located, the department shall, subject to sub. (5) (b), make

1 a determination of the abandonment status and, if found to be abandoned, shall  
2 determine whether it is in the best interest of the public to acquire the rail property.  
3 If it is determined to acquire the rail property or any part or interest therein, the  
4 department shall, within 180 days of the determination of its abandoned status, or  
5 the interstate commerce commission's final order permitting the abandonment, or  
6 the termination of any efforts to negotiate an agreement for continual operation of  
7 rail service on the line, whichever occurs last, determine the fair market value of the  
8 rail property and acquire the rail property at a price deemed reasonable by the  
9 department or make a relocation order under s. 32.05. In making its determination,  
10 the department shall consider long-range potential for use of the rail property for  
11 restoration of railroad service and for other transportation related purposes. The  
12 department shall solicit the opinions of appropriate state agencies, affected counties  
13 and municipalities and other interested persons. The department shall give due  
14 consideration to an expressed desire by a state agency or an affected county or  
15 municipality to acquire, in whole or in part, the rail property under consideration.  
16 Subject ~~to any prior action under s. 13.48(14) (am) of 16.848(1) and~~  
~~except as provided in this subsection and~~ subject to sub. (6), all or part of any  
17 interest in abandoned rail property acquired by the department under this section  
18 or under s. 66.941 (7), 1975 stats., may be subsequently conveyed to another state  
19 agency or a county or municipality for transportational purposes, recreational  
20 purposes, scenic purposes or for the purpose of constructing a correctional  
21 institution, or to a railroad for continued railroad transportation operations when  
22 the railroad has operated on the rail property for 5 years and the department may  
23 make such conveyances for such purposes. Any determination of the department  
24 under this section that rail property is not abandoned shall not preclude the  
25 undertaking of a subsequent investigation and determination concerning the same

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1 rail property or any portion thereof. If at any time subsequent to the acquisition of  
 2 rail property under this section the department determines that the rail property is  
 3 not suitable for transportation purposes, recreational purposes, scenic purposes or  
 4 for the purpose of constructing a correctional institution, or that the rail property or  
 5 any interest therein may be conveyed to any other person on terms which are not  
 6 inconsistent with the potential use of the rail property for transportation purposes,  
 7 recreational purposes, scenic purposes or for the purpose of constructing a  
 8 correctional institution or which yield a benefit, including financial benefits, to the  
 9 state which outweighs the benefit derived from the rail property if used for  
 10 transportation purposes, recreational purposes, scenic purposes or for the purpose  
 11 of constructing a correctional institution, the department may convey the rail  
 12 property or such interest therein, ~~except as provided in this subsection~~ and subject  
 13 to sub. (6). The department shall give notice of its intention to make the conveyance,  
 14 and state and local units of government shall have the first 6 months in which to  
 15 exercise their opportunity to acquire the rail property or interest therein. The  
 16 railroad from which the rail property was acquired shall have the next 6 months in  
 17 which to exercise its opportunity to reacquire the rail property or interest therein.

18 ~~The department shall not sell real property under this subsection.~~

19 SECTION 134. 85.09 (4i) of the statutes is amended to read:

20 85.09 (4i) DISPOSAL OF RAIL PROPERTY. The department shall sell at public or  
 21 private sale ~~personal~~ rail property acquired under sub. (4) when the department

22 determines that the rail property is not necessary for a public purpose and, if real  
 23 property, the real property is not the subject of a petition under s. 16.310 (2). Upon  
 24 receipt of the full purchase price, the department shall, by appropriate deed or other  
 25 instrument, transfer the rail property to the purchaser. The funds derived from sales

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subject to any prior action under s. 13.48  
 (14)  
 (am)  
 or  
 16.848  
 (1)

(14)  
 (am)  
 or  
 16.848  
 (1)

1 under this subsection shall be deposited in the transportation fund, and the expense  
2 incurred by the department in connection with the sale shall be paid from the  
3 appropriation under s. 20.395 (2) (bq). ~~This subsection does not apply to real~~  
4 ~~property that is sold under s. 16.848.~~

5 **SECTION 135.** 85.15 (2) of the statutes is amended to read:

6 85.15 (2) The department shall credit to the appropriation account under s.  
7 20.395 (4) (ew) the amount, if any, by which moneys received in any year from the  
8 sale or lease of property acquired by the department exceeds \$2,750,000. The  
9 department shall use 50% of any proceeds credited to this appropriation account  
10 from the sale or lease of any property to supplement the costs of management and  
11 operations of the district office of the department that initiated the sale or lease of  
12 that property.

13 ~~**SECTION 136.** 108.161 (7) of the statutes is repealed.~~

14 **SECTION 137.** 108.161 (9) of the statutes is amended to read:

15 108.161 (9) Any land and building or office quarters acquired under this section  
16 shall continue to be used for employment security purposes. Realty or quarters may  
17 ~~not be sold or transferred to other use without the governor's approval. The proceeds~~  
18 ~~from the sale, or the value of realty or quarters upon transfer, shall be credited to the~~  
19 ~~account established in sub. (1) or credited to the fund established in s. 108.20, or both~~  
20 ~~in accordance with federal requirements. Equivalent substitute rent-free quarters~~  
21 ~~may be provided, as federally approved. Amounts credited under this subsection~~  
22 ~~shall be used solely to finance employment security quarters according to federal~~  
23 ~~requirements.~~

24 **SECTION 138.** 114.33 (6) (a) of the statutes is amended to read:

*if prior action is taken  
under s. 13.48 (14) (am) or 16.848 (1) and  
may not be sold or transferred*

1 114.33 (6) (a) For the purposes of carrying out this section and ss. 114.35 and  
2 114.37, the secretary may acquire by gift, devise, purchase or condemnation any  
3 lands for establishing, protecting, laying out, enlarging, extending, constructing,  
4 reconstructing, improving and maintaining airports, or interests in lands in and  
5 about airports. After completion of the improvements, the secretary may convey as  
6 provided in this subsection lands that were acquired under this subsection, but were  
7 not necessary for the airport improvements ~~but shall not sell the lands.~~ The  
8 conveyances may be made with reservations concerning the future use and  
9 occupation of those lands so as to protect the airports and improvements and their  
10 environs and to preserve the view, appearance, light, air and usefulness of the  
11 airports.

12 SECTION 139. 114.33 (10) of the statutes is amended to read:

13 114.33 (10) Subject to the approval of the governor under this subsection, the  
14 secretary may sell at public or private sale ~~personal~~ property of whatever nature  
15 owned by the state and under the jurisdiction of the secretary when the secretary  
16 determines that the property is no longer necessary for the state's use for airport  
17 purposes and, if real property, the real property is not the subject of a petition under  
18 s. 16.310. The secretary shall present to the governor a full and complete report of  
19 the property to be sold, the reason for the sale, and the minimum price for which the  
20 property should be sold, together with an application for the governor's approval of  
21 the sale. The governor shall investigate the proposed sale as he or she deems  
22 necessary and approve or disapprove the application. Upon approval and receipt of  
23 the full purchase price, the secretary shall ~~by appropriate deed or other instrument~~  
24 transfer the property to the purchaser. The funds derived from the sale shall be  
25 deposited in the appropriate airport fund, and the expense incurred by the secretary

*Subject to any prior action under s. 13.48 (14) (am) or 16.848 (1)*

*and subject to any prior action under s. 13.48 (14) (am) or 16.848 (1)*

*No STRIKE*

*No STRIKE*

1 in connection with the sale shall be paid from that fund. This subsection does not  
2 apply to real property that is sold under s. 16.848. ← keep

3 ~~SECTION 140.~~ 190.15 of the statutes is repealed.

4 ~~SECTION 141.~~ 196.491 (2) (e) of the statutes is renumbered 196.491 (2) (e) 2. and  
5 amended to read:

6 196.491 (2) (e) 2. Any state agency, as defined in s. 16.310 (1), county,  
7 municipality, town, or person may submit written comments to the commission on  
8 a strategic energy assessment within 90 days after copies of the draft are issued  
9 under par. (b). e

10 ~~SECTION 142.~~ 196.491 (2) (e) 1. of the statutes is created to read:

11 196.491 (2) (e) 1. In this paragraph, "state agency" means an office,  
12 commission, department, or independent agency in the executive branch of state  
13 government. <

14 ~~SECTION 143.~~ 256.35 (3m) (h) of the statutes is renumbered 256.35 (3m) (h) 2.  
15 and amended to read: +

16 256.35 (3m) (h) 2. No local government or state agency, as defined in s. 16.310  
17 (1), except the commission, may require a wireless provider to collect or pay a  
18 surcharge or fee related to wireless emergency telephone service.

19 ~~SECTION 144.~~ 256.35 (3m) (h) 1. of the statutes is created to read:

20 256.35 (3m) (h) 1. In this paragraph, "state agency" means an office,  
21 commission, department, or independent agency in the executive branch of state  
22 government. +

23 ~~SECTION 145.~~ 301.235 (1) (a) and (b) of the statutes are amended to read: +

24 301.235 (1) (a) "Existing building", in relation to any conveyance, lease or  
25 sublease made under sub. (2) (a) 1., 2. and 3., means all detention, treatment,

1 administrative, recreational, infirmary, hospital, vocational and academic buildings;  
2 all dormitories and cottages; all storage facilities, heating plants, sewage disposal  
3 plants, and such other buildings, structures, facilities and permanent improvements  
4 as in the judgment of the secretary are needed or useful for the purposes of the  
5 department, and all equipment therefor and all improvements and additions thereto  
6 which were erected, constructed or installed prior to making the conveyance, lease  
7 or sublease.

8 (b) "New building", in relation to any conveyance, lease or sublease made under  
9 sub. (2) (a) 1., 2. and 3., means all detention, treatment, administrative, recreational,  
10 infirmary, hospital, vocational and academic buildings; all dormitories and cottages;  
11 all storage facilities, heating plants, sewage disposal plants, and such other  
12 buildings, structures, facilities and permanent improvements as in the judgment of  
13 the secretary are needed or useful for the purposes of the department, and all  
14 equipment therefor and all improvements and additions thereto which are erected,  
15 constructed or installed after making the conveyance, lease or sublease.

16 ~~SECTION 146. 301.235 (2) (a) 1. of the statutes is repealed.~~

17 ~~SECTION 147. 301.235 (2) (a) 3. and 4. of the statutes are amended to read:~~

18 301.235 (2) (a) 3. The power to lease or sublease from the nonprofit corporation,  
19 and to make available for public use, any such land and existing buildings conveyed  
20 or leased to the nonprofit corporation under subds. 1. and subd. 2., and any new  
21 buildings erected upon the land or upon any other land owned by such nonprofit  
22 corporation, upon such terms, conditions and rentals, subject to available  
23 appropriations, as the secretary determines are in the public interest. With respect  
24 to any property conveyed to the nonprofit corporation under subd. 1., the lease from

1 ~~the nonprofit corporation may be subject or subordinated to one or more mortgages~~ X  
2 ~~of the property granted by the nonprofit corporation.~~

3 4. The duty to submit the plans and specifications for all such new buildings  
4 and all conveyances, leases and subleases made under this section to the department  
5 of administration and the governor for written approval before they are finally  
6 adopted, executed and delivered.

7 **SECTION 148.** 301.235 (2) (d) of the statutes is amended to read: X

8 301.235 (2) (d) All conveyances, leases and subleases made under this section  
9 shall be made, executed and delivered in the name of the department and shall be  
10 signed by the secretary and sealed with the seal of the department.

11 ~~**SECTION 149.** 301.24 (4) of the statutes is repealed.~~ e X

12 **SECTION 150.** 301.24 (4m) of the statutes is amended to read:

13 301.24 (4m) CORRECTIONAL INSTITUTION PROPERTY DISPOSITION. In addition to  
14 any other requirements under this section, ~~except where a sale occurs under s.~~ ✓

15 ~~16.848,~~ the department may ~~sell or otherwise~~ transfer or dispose of the property  
16 acquired for the correctional institution under s. 46.05 (1o), 1985 stats., only if the  
17 ~~sale,~~ transfer or disposition is approved by the joint committee on finance. The  
18 department shall submit a plan for any such proposed ~~sale,~~ transfer or disposition  
19 to the committee. NO STRIKE

20 ~~**SECTION 151.** 301.25 of the statutes is amended to read:~~ X

21 **301.25 Sewer system at Taycheedah Correctional Institution.** The  
22 department, with the approval of the governor, may enter into an agreement  
23 containing terms, conditions and covenants approved by the building commission,  
24 to participate in the construction of a sanitary sewer system in the area adjacent to  
25 the Taycheedah Correctional Institution in the town of Taycheedah, Fond du Lac



County; to connect the sewer system of the Taycheedah Correctional Institution thereto; to pay sewage disposal charges; and to grant easements or convey land to meet construction requirements.

SECTION 152. 302.04 of the statutes is amended to read:

**302.04 Duties of warden and superintendents.** Except as provided in ~~s.~~ <sup>ss.</sup>

~~13.48 (14) (am) and~~  
16.848 (1), the warden or the superintendent of each state prison shall have charge and custody of the prison and all lands, belongings, furniture, implements, stock and provisions and every other species of property within the same or pertaining thereto. The warden or superintendent shall enforce the rules of the department for the administration of the prison and for the government of its officers and the discipline of its inmates.

SECTION 153. 321.03 (2) (b) of the statutes is amended to read:

321.03 (2) (b) Upon appraisal by the state chief engineer submitted to the governor in writing and with written approval of the governor sell and convey, any state-owned personal property acquired or erected for state military purposes, if the property is no longer useful to the national guard.

(END)